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Toshiba America, Inc., Toshiba America  
Information Systems, Inc., Toshiba America  
Consumer Products, LLC, and Toshiba America  
Electronic Components, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

*Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*  
Case No. 3:11-cv-05513

*Best Buy Co., Inc., et al. v. Technicolor SA, et*  
*al.,* Case No. 13-cv-05264

*CompuCom Systems, Inc. v. Hitachi, Ltd., et al.,*  
Case No. 3:11-cv-06396

*Costco Wholesale Corp. v. Hitachi, Ltd., et al.,*  
Case No. 3:11-cv-06397

*Electrograph Systems, Inc., et al. v. Hitachi, Ltd.,*  
*et al.,* Case No. 3:11-cv-01656

**DECLARATION OF  
LUCIUS B. LAU IN SUPPORT OF  
THE TOSHIBA DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
PURSUANT TO CIVIL LOCAL  
RULES 7-11 AND 79-5(d)**

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF THE TOSHIBA DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)  
Case No. 07-5944-SC, MDL No. 1917

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2 *Electrograph Systems, Inc., et al. v. Technicolor*  
3 *SA, et al.*, Case No. 3:13-cv-05724

4 *Interbond Corp. of America v. Hitachi, Ltd., et*  
5 *al.*, Case No. 3:11-cv-06275

6 *Interbond Corp. of America v. Technicolor SA, et*  
7 *al.*, Case No. 3:13-cv-05727

8 *Office Depot, Inc. v. Hitachi, Ltd., et al.*, Case  
9 No. 3:11-cv-06276

10 *Office Depot, Inc. v. Technicolor SA, et al.*, Case  
11 No. 3:13-cv-05726

12 *P.C. Richard & Son Long Island Corp., et al. v.*  
13 *Hitachi, Ltd., et al.*, Case No. 3:12-cv-02648

14 *P.C. Richard & Son Long Island Corp., et al. v.*  
15 *Technicolor SA, et al.*, Case No. 3:13-cv-05725

16 *Sears, Roebuck & Co. and Kmart Corp. v.*  
17 *Chunghwa Picture Tubes, Ltd., et al.*, Case No.  
18 3:11-cv-05514

19 *Tech Data Corp., et al. v. Hitachi, Ltd., et al.*,  
20 Case No. 3:13-cv-00157  
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1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for  
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer  
4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic  
5 Components, Inc. (collectively, the “Toshiba Defendants”).

6 2. I submit this declaration in support of the Toshiba Defendants’ Administrative  
7 Motion to File Documents Under Seal Pursuant to Civil Local Rules 7-11 and 79-5(d), dated  
8 November 7, 2014, filed contemporaneously herewith. I have personal knowledge of the  
9 facts stated herein, and I could and would competently testify thereto if called as a witness.

10 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No.  
11 306) (the “Stipulated Protective Order”).

12 4. On November 7, 2014, the Toshiba Defendants filed the Defendants’ Notice  
13 of Motion and Motion for Partial Summary Judgment on Plaintiffs’ Indirect Purchaser  
14 Claims Based on Foreign Sales (“Defendants’ Motion”) and the Declaration of Lucius B. Lau  
15 in Support of the Defendants’ Motion, and attached:

- 16 a. Exhibit B, the Expert Report of Janet S. Netz, Ph.D., dated April 15, 2014,  
17 which the Indirect Purchaser Plaintiffs designated as “Confidential” under  
18 the Stipulated Protective Order;
- 19 b. Exhibit C, the Report of Alan S. Frankel, Ph.D., dated April 15, 2014,  
20 which Plaintiffs Best Buy Co., Inc., Best Buy Purchasing, LLC, Best Buy  
21 Enterprise Services, Inc., Best Buy Stores, L.P., BestBuy.com, L.L.C., and  
22 Magnolia Hi-Fi, Inc. (“Best Buy Plaintiffs”) designated as “Highly  
23 Confidential” under the Stipulated Protective Order;
- 24 c. Exhibit D, the Expert Report of Janusz A. Ordovery, Ph.D., dated August 5,  
25 2014, which Defendants designated as “Highly Confidential” under the  
26 Stipulated Protective Order;
- 27 d. Exhibit G, excerpts of the transcripts of the 30(b)(6) deposition of the Best  
28 Buy Plaintiffs, which the Best Buy Plaintiffs designated as “Highly  
Confidential” under the Stipulated Protective Order;

- 1 e. Exhibit H, excerpts from the transcript of the deposition of Rebecca  
2 Smith, which the Best Buy Plaintiffs designated as “Highly Confidential”  
3 under the Stipulated Protective Order; and  
4 f. Exhibit I, Plaintiffs Sears, Roebuck and Co. and Kmart Corporation’s  
5 Objections and Responses to Defendant Hitachi Displays, Ltd.’s First Set  
6 of Requests for Admission, dated August 4, 2014, which Sears, Roebuck  
7 and Co. and Kmart Corporation designated as “Highly Confidential” under  
8 the Stipulated Protective Order.

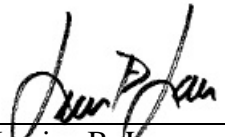
9 5. Portions of the Defendants’ Motion contain quotations from, and discussions  
10 of, the above-specified “Highly Confidential” or “Confidential” material. As such, the  
11 Toshiba Defendants filed the Defendants’ Motion under seal.

12 6. Exhibit D has been designated as “Highly Confidential” by Defendants  
13 because, on information and belief, the document consists of, quotes from, and/or  
14 summarizes confidential, nonpublic, and highly sensitive business information of various  
15 parties, including information regarding the parties’ commercially sensitive business  
16 information and strategies, sales processes, business practices, internal practices and  
17 competitive positions. On information and belief, disclosing information within Exhibit D,  
18 which information certain Plaintiffs and Defendants have designated as “Highly  
19 Confidential” or “Confidential,” presents a risk of undermining the parties’ business  
20 relationships and would cause harm with respect to the parties’ competitors and customers by  
21 placing them at a competitive disadvantage.

22 7. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court’s General Order  
23 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the  
24 Stipulated Protective Order, the above-mentioned materials should be maintained under seal  
25 and in redacted form.

1 I declare under penalty of perjury under the laws of the United States of America that  
2 the foregoing is true and correct.

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4 Executed this 7<sup>th</sup> day of November, 2014, in Washington, D.C.

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Lucius B. Lau